

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

EVONIK DEGUSSA GMBH,

Plaintiff,

v.

MATERIA, INC.,

Defendant.

Civ. No. 09-636 (NLH/JS)

VERDICT FORM

Instructions: When answering the following questions and filling out this Verdict Form, please follow the directions provided. Your answer to each question must be unanimous. Please refer to the Jury Instructions for guidance on the law applicable to the subject matter covered by each question.

QUESTIONS AND ANSWERS

We, the jury, unanimously agree to the answers to the following questions and return them under the instructions of this Court as our verdict in this case.

PART I – VALIDITY OF EVONIK’S PATENT CLAIMS

1. Has Materia proven by clear and convincing evidence that the asserted claim of the '528 Patent listed below is invalid because the specification of the '528 Patent does not enable the claim?

“Yes” is a finding for Materia. “No” is a finding for Evonik.

Claim 8 Yes _____

No X

Claim 9 Yes _____

No X

Claim 10 Yes _____

No X

2. Has Materia proven by clear and convincing evidence that the asserted claim of the '528 Patent listed below is invalid because the specification of the '528 Patent does not contain an adequate written description of the claim?

"Yes" is a finding for Materia. "No" is a finding for Evonik.

Claim 8	Yes _____	No <u>X</u>
Claim 9	Yes _____	No <u>X</u>
Claim 10	Yes _____	No <u>X</u>

PART II – DAMAGES

IMPORTANT: IF YOU ANSWERED "YES" TO ALL OF THE SUBPARTS OF PART I, QUESTION 1, OR YOU ANSWERED "YES" TO ALL OF THE SUBPARTS OF PART I, QUESTION 2, STOP YOUR DELIBERATIONS, HAVE THE FOREPERSON SIGN THE LAST PAGE, AND RETURN THIS FORM. OTHERWISE, PROCEED TO ANSWER PART II.

3. As to each of the claims of the '528 Patent in Part I that you answered "No," has Evonik proven by a preponderance of the evidence the amount that Materia owes Evonik in the form of a reasonable royalty for infringement?

"Yes" is a finding for Evonik. "No" is a finding for Materia.

Yes X No _____

4. If you answered "YES" to Question 3, what is the reasonable royalty rate that should be used to calculate the reasonable royalty owed to Evonik?

5.5 %

5. If you answered "YES" to Question 3, what is the royalty base that should be used to calculate the reasonable royalty owed to Evonik?

\$ 28,198,490

6. If you answered "YES" to Question 3, has Evonik proven by a preponderance of the evidence that it is entitled to additional damages beyond a reasonable royalty due to Materia's infringement?

"Yes" is a finding for Evonik. "No" is a finding for Materia.

Yes _____ No X

7. If you answered "YES" to Question 6, what is the amount of the additional damages?

\$ N/A

PART III – WILLFULNESS

IMPORTANT: IF YOU ANSWERED "YES" TO ALL OF THE SUBPARTS OF PART I, QUESTION 1; OR YOU ANSWERED "YES" TO ALL OF THE SUBPARTS OF PART I, QUESTION 2, STOP YOUR DELIBERATIONS, HAVE THE FOREPERSON SIGN THE LAST PAGE, AND RETURN THIS FORM. OTHERWISE, PROCEED TO ANSWER PART III.

8. Has Evonik proven by a preponderance of the evidence that Materia's infringement was willful?

"Yes" is a finding for Evonik. "No" is a finding for Materia.

Yes _____ No X

For The Jury:

By

Foreperson

Date: 1/30/17